IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1006 OF 2006

Mrs. Sabira H. Tanke ...Applicant.

V/s

The State of Maharashtra ...Respondent.

Mr. Nazma D. Bhoir for the applicant
Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 14th March 2006

P.C:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant is the mother-in-law of the complainant against whom an offence under section 498A of the I.P.C. has been registered by Park Site Police Station. The son of the applicant had filed an application for anticipatory bail in the Sessions Court for Greater Mumbai and an undertaking was filed by the son of the applicant and the complainant wherein it was agreed that the applicant's son would procure a house on rent for the benefit of the complainant and would also pay maintenance at the rate

of Rs 1500/- per month. Further conditions were imposed that neither the family of the applicant nor the complainant's relatives would interfere with the personal life of the applicant's son and the complainant. In para 6 of the undertaking, the complainant had undertaken to withdraw this complaint after the applicant's son had procured a rented house for the benefit of the complainant. It is an admitted position that the house was procured for the benefit of the complainant by the applicant's son and he has been regularly paying maintenance at the rate of Rs 1500/- per month. It is pertinent to note that in this undertaking there is no reference of jewellery being taken by the present applicant or by her son and that the said issue was raised for the first time in the application which was filed by the present applicant in the Sessions Court.

3. Considering these facts and also taking into consideration the age of the present applicant, in my view, the case is made out for grant of an anticipatory bail.

4. The applicant, in the event of his arrest in connection with C.r. No.56/06 registered at Park Site Police Station for the offence punishable under

section 498-A be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount.

5. The application is disposed of accordingly.

V.M. KANADE, J.